

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

EDWARD C. MILLIGAN,

Petitioner,

v.

BRIAN BELLEQUE,

Respondent.

No. CV 05-190-HU

ORDER ADOPTING MAGISTRATE JUDGE'S  
FINDINGS & RECOMMENDATION

**MOSMAN, J.,**

On February 21, 2007, Magistrate Judge Hubel issued Findings and Recommendation ("F&R") (#28) in the above-captioned case recommending that petitioner's Petition for Writ of Habeas Corpus (#1) be denied. Although late, objections were filed.

In conducting my review of the F&R, I apply the following standard. The magistrate judge makes only recommendations to the court, to which any party may file written objections. I am not bound by the recommendations of the magistrate judge, but retain responsibility for making the final determination. I am required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, I am not required to review, under a *de novo* or any other

standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

After reviewing the F&R, the parties' objections and responses, and other relevant materials, the F&R is ADOPTED without modification.

IT IS SO ORDERED.

DATED this 19th day of March, 2007.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Court